

From: Aleks Totic
To: Microsoft ATR
Date: 1/28/02 10:32pm
Subject: Microsoft Settlement

To: The Antitrust Division

My name is Aleksandar Totic. I am writing to comment on the proposed Microsoft settlement, and document anti-competitive MS behavior that occurred in October 2001. I believe that the behavior I've documented clearly demonstrates that MS will inconveniences the consumer if it helps to protect its monopoly.

In "Competitive Impact Statement", you claim that the settlement will "restore the competitive threat that middleware products posed". I do not believe that the settlement will achieve this goal. This is because:

A)

There are many exceptions in the settlement that Microsoft can use to hinder competition:

Section III.D

Why make interoperating with Windows the sole purpose of the disclosure? MS could use this to deny Linux developers access to the APIs. The APIs should be public, without any strings attached.

Section III.H.2 (Windows may invoke MS Middleware)

I bet that the line "designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement" can be used to disqualify any middleware MS disagrees with.

B)

The only real threat to MS was that the web would make OS irrelevant. This can only happen if there is browser competition. With IE, MS will make sure that surfing the web on Windows is the only good web experience.

That's all as far as my complaint about the settlement goes.

Now here is my documentation of Microsoft continuing to clean up any remaining competition in browser wars in October 2001.

DOCUMENTATION OF ANTI-COMPETITIVE BEHAVIOR, OCTOBER 2001

I was one of the founding engineers of Netscape, employee #11, followed Marc from Illinois. I was one of the authors of the Plugin

API for Netscape, back in 95.

Microsoft cloned our API right away in IE, and then removed in October of 2001 as a part of Service Pack 2 for IE5.5/IE6. This caused all Plugin API plugins to stop working, including QuickTime. Some of the Apple's engineers spent a few sleepless nights, frantically rewriting the Quicktime plugin to support ActiveX.

To understand how sinister this move was, you need to know a bit about the Plugin API. It is a standard by which 3rd party developers can extend browser functionality, allowing movies, complex animations to be played in web pages. Flash, RealPlayer, and Quicktime are examples of plugins. The Plugin API was cross-platform, and was widely used, implemented in other browsers, such as Opera.

Microsoft cloned Netscape's Plugin API under competitive pressure in IE 2, and also created a competing standard called ActiveX. ActiveX of course was available only on Windows, and no other browsers ever supported it.

ActiveX and Plugin API were competing standards. Despite MS much more extensive support for ActiveX, Plugin API was widely used, because it was simpler to use, and cross-platform.

When MS removed it, movies stopped playing for millions of movie watching consumers that relied on Quicktime. In one stroke, MS killed PluginAPI, and hurt Quicktime, a competitor of Movie Player. The move inconvenienced the consumers, who had to go to Quicktime site to upgrade or start using Microsoft movie, developers. The only benefit was to Microsoft, to lock people into using IE. And this occurred in October 2001, after they were found guilty.

Microsoft statement about removing the API can be found at:
"Netscape-Style Plug-ins Do Not Work After Upgrading Internet Explorer"
<http://support.microsoft.com/support/kb/articles/q303/4/01.asp>

The list of plugins supporting the Plugin API:
<http://browserwatch.internet.com/plugin/plugin-big-ah.html>

Later, they also decided not to ship Java, further destroying the cross-platform promise of the web.

As one of the original visionaries of the web that transcends Operating Systems, this makes me very mad. I applaud Microsoft winning through quality and innovation, but they keep pursuing API lock-in and monopoly as their favorite means of competition.

If you need any further help, I'd be happy to fly out to Washington, testify, do more competitive analysis, code review, etc.

Thank you for your time,

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